



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND
ARLINGTON HALL STATION
ARLINGTON, VIRGINIA 22212

IAPER-CP

1 June 1988

SUBJECT: IC Information Request - Agency Uniqueness

In the passage of Public Law 95-454, Civil Service Reform Act of 1978, the Congress deemed it appropriate to exclude several Federal organizations from coverage of the Federal Labor Relations statute, Chapter 71, Title 5 of the U.S. Code. Two of these excluded organizations were the CIA and the NSA. Subsequent to the CSRA of 1978, President Carter issued EO 12171, dated Nov 19, 1979, Exclusions from the Federal Labor-Management Relations Program. This EO excluded specific Executive Branch organizations from coverage under the Federal Labor Relations provisions. Included in this listing are the DOD Military Intelligence organizations now being covered by the DOD Civilian Intelligence Personnel Management System authorized by PL 99-569 - Intelligence Authorization Act of 1987. Rationale for the LMR exclusion centers around the agency mission, purpose and function. Those organizations determined to have as a primary function intelligence, counterintelligence, investigative or national security work are specifically excluded.

In addition to the obvious concern of protecting the national security, the President in his EO and the Congress in the CSRA LMR exclusion believed that there is no room for compromise in the areas of intelligence, CI and investigative work. The very nature of labor relations through the collective bargaining process connotes a spirit of give and take. This environment of exchange or trade-off cannot be accepted nor tolerated in the intelligence field.

The sensitivity of intelligence work was also acknowledged by the Office of Personnel Management (formerly U.S. Civil Service Commission) in the granting to Federal agencies the Schedule A, Excepted appointing authority. Schedule A provides for appointing (hiring) applicants without OPM certification, special exams or regard to special employment programs for regular competitive service personnel.

✓ Passage of PL 99-569, The 1987 Intelligence Authorization Act acknowledged the need to bridge the gap in intelligence personnel systems between the CIA, NSA, DIA and the military service intelligence organizations. This authority will begin to provide for the DOD Military Intelligence work force the kind of personnel system that is needed to stay at a level equal to the other national intelligence organizations.

✓ Another facet of uniqueness is the up front cost for a security clearance that we in the intelligence community must put forth to determine the potential employability and desirability of our candidates. Once that cost for clearance is expended it becomes increasingly important to retain the employees. Retention is complicated by the fact that the clearance granted to the individual is transferable to other employment both outside government and to other Federal

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organizations. When someone does leave the employment process begins anew. The timeframe between having cleared employees causes major gaps in efficient mission accomplishment and provides for no job continuity or transition from one employee to another.

Besides more stringent conditions of employment associated with national security there are a number of adverse working conditions. Many of our employees work in secure areas without windows, easy access to outside, and in securely guarded buildings with special entrance requirements. In addition, our employees are not able to discuss their work with their families, relatives, friends and neighbors. ✓

Another aspect of intelligence work is the very nature of what our people do. They do not work a typical eight hour, fixed schedule day. There is much uncontrolled overtime work and little reaction time to emergency situations. In the field, particularly overseas there are situations that affiliation with the U. S. Government and the military service is inappropriate. Thus, our employees who normally would have access to facilities, benefits and privileges are denied them. ✓


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